
Agricultural Water Quality Protection *Program*

- introduction and Background
- Highlight Critical Agricultural Issues



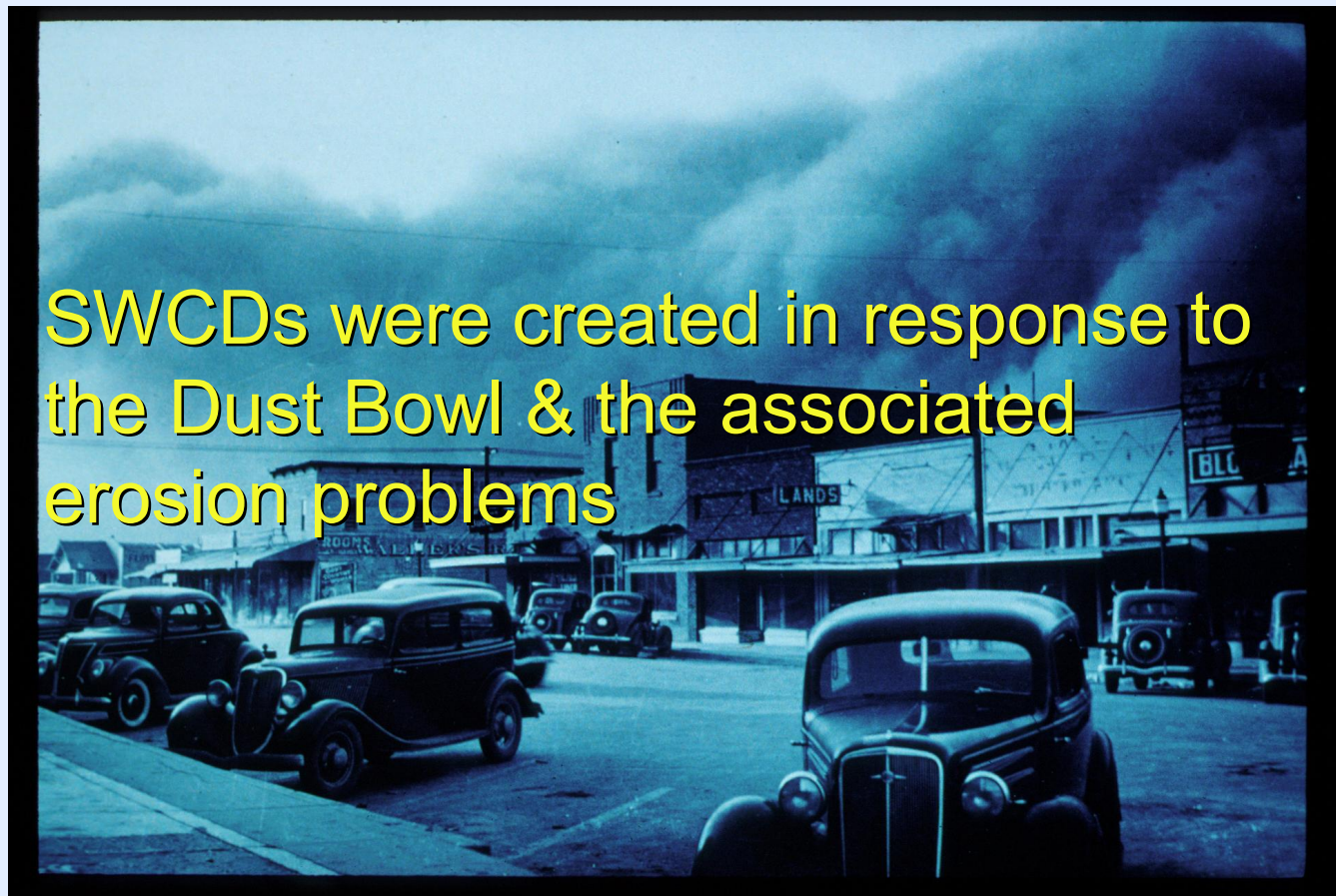
Agricultural Water Quality Program

History

- In 1990 Commonwealth allocated \$375,000 to assist localities with implementation of the ag criteria of the Chesapeake Bay Preservation Area Designation and Management Regulations;
- In 1990 SWCDs were chosen to assist localities with implementation;



SWCDs and Conservation



Chesapeake Bay Local Assistance Department
Commonwealth of Virginia



SWCDs and Conservation

- SWCD's Mission: to coordinate assistance from all available sources -- public and private, local, state and federal --in an effort to develop locally driven solutions to natural resource concerns
- Governed by a locally elected Board of Directors
- More info on SWCDs:
www.dcr.state.va.us/sw/swcds.htm



Agricultural Water Quality Program

Key Issues

- Regulatory Agricultural Criteria
- Plan/Assessment – Local Review Process
- Enforcement Examples
- Changing Land Use



Agricultural Criteria

Land within a locally designated Chesapeake Bay Preservation Area, upon which Agricultural Activities are being conducted must:

- Have a Soil & Water Quality Conservation Assessment and/or Plan that ensures water quality protection consistent with the Act and the Regulations
- Maintain/Establish 100' Vegetated Buffer Area between the locally designated water resource and the farming activity



Agricultural Criteria (cont'd)

- **Buffer area must be managed to prevent concentrated flows of surface water from breaching the buffer area and appropriate measures may be taken to prevent noxious weeds (such as Johnson grass, kudzu, and multiflora rose) from invading the buffer area;**



Agricultural Criteria (cont'd)

Soil & Water Quality Conservation Assessment

Evaluates the effectiveness of existing Best Management Practices (BMPs) and the need for additional BMPs to protect water quality. Issues assessed and addressed in conservation plans will include:

- Nutrient Management
- Erosion Control
- Pesticide Management



Soil & Water Quality Conservation Plan (Bay Plan)

- Outlines the installation or implementation of additional BMPs, necessary to protect water quality.
- BMPs outlined in the Bay Plan need only address those conservation issues applicable to the tract or field.



Soil & Water Quality Conservation Assessment (cont'd)

- The findings and recommendations of such assessments and any resulting soil and water quality conservation plans will be submitted to the local SWCD Board. The SWCD Board is the plan-approving authority for these assessments and plans.



Ag Enforcement Issues:

- Initial refusal of landowner to comply
- Landowner/operator failure to implement required BMPs on RPA “tracts”
- Change in land use from non-ag to ag



Ag Enforcement Issues

- Initial Landowner Refusal to comply:
 - SWCD/Conservation Planner Measures:
 - Certified Letter to Landowner, copy to county
 - SWCD/planner notifies county in writing
 - Locality initiates enforcement in accord with their ordinance OR:
 - Locality Measures:
 - Require the landowner to meet with the SWCD
 - Correct any deficiencies or verify existence of required BMPs in a time frame not to exceed 18 months from the locality's initial notification to the landowner



Ag Enforcement Issues Cont'd

- Landowner/operator failure to implement BMPs required by the conservation plan/assessment on RPA “tracts”
 - SWCD/Conservation Planner Steps:
 - Certified Letter to Landowner, copy to county
 - SWCD/planner notifies county in writing
 - Locality initiates enforcement in accord with their ordinance OR:
 - Locality Steps:
 - Require the landowner to meet with the SWCD
 - Correct any deficiencies or verify existence of required BMPs in a time frame not to exceed 18 months from the locality’s initial notification to the landowner



Ag Enforcement Issues Cont'd

- Changing Land Use
 - Prior County Notification
 - Activity must be in accord with 9 VAC 10-20-120, General Performance Criteria:
 - Relevant Performance Criteria:
 - » 1. Minimization of Land Disturbance;
 - » 2. Preservation of Indigenous vegetation;
 - » 3. Soil & Water Quality Assessment/Plan;
 - » 4. Submit evidence of all wetlands permits required by law.



Changing Land Use

- Within RMA
 - Landowner should work with the locality, the DOF, and/or the SWCD to ensure that water quality is protected during the process; and ensure that the land can support or is suitable for the desired use;
 - » Example of an incompatible use:
landowner wishes to clear 2 acres to build stable and establish paddocks for 10 horses



Changing Land Use

- Within the RPA to produce crops within the buffer;
Locality should:
 - Require evidence of all wetlands permits required by law, prior to commencement of the activity;
 - Require a formal delineation of the RPA; the SWCD should not make this delineation;



Changing Land Use

- Within RPAs, to non-ag use (e.g. development)
 - Section 9 VAC 10-20-130.3.b requires that the full 100-foot wide buffer must be reestablished.



Changing Land Use

- Since there are no regulatory provisions within the regulations that allow for modification of the RPA “feature,” and, as lands with the best potential for agricultural production have already been converted to agricultural use in the last 300 years, CBLAD recommends that new agricultural uses be allowed to modify the buffer only under extraordinary circumstances.



Changing Land Use *Without Prior Locality Notification*



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Changing Land Use *Without Prior County Notification*

- Regardless of the intended future use, “ag” or “non-ag”
 - Any land disturbance within a CBPA that occurs w/o county notification/approval is a violation of the local Bay Act program;



Changing Land Use *Without Prior County Notification Cont'd*

- Locality Should:
 - Issue a “stop work order” on the activity;
 - Require the immediate stabilization of the disturbed area to ensure that there are no additional impacts to the RPA, RMA, or water quality;
 - Require proof of all wetland permits required by law



Changing Land Use *Without Prior County Notification Cont'd*

- Activity is within RPA
 - Locality should begin appropriate enforcement, in conjunction with any necessary replanting requirements;
 - Restoration of the RPA feature to its prior condition;
 - Revegetation of the full 100-foot RPA buffer on the entire site;
 - Other suitable enforcement actions that: (1) guarantee the function of the RPA buffer is restored; and (2) discourage future violations.



Questions? Topics for future Discussion?



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